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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Jessica M. Brown,

7 Plaintiff,

8 v.

9 Metro Police; Rape Investigators,

10 Defendants.

Case No. 2:24-cv-00405-JAD-DJA

11
12 **Order**

13 Florence McClure Women's Correctional Center inmate, Plaintiff Jessica M. Brown,
14 submitted an application to proceed *in forma pauperis* and a civil rights complaint. (ECF Nos. 6,
15 1-1). The Court granted that application. (ECF No. 10). Plaintiff has now filed another
16 application to proceed *in forma pauperis* (ECF No. 7), a motion for appointment of counsel (ECF
17 No. 8), and a motion to extend time (ECF No. 9).

18 **I. Plaintiff's application to proceed *in forma pauperis*.**

19 Because the Court has already granted Plaintiff's application to proceed *in forma*
20 *pauperis*, it denies her subsequent application as moot. (ECF No. 7).

21 **II. Plaintiffs' motions for appointment of counsel and to extend time.**

22 Courts have authority to request that an attorney represent any person unable to afford
23 counsel. 28 U.S.C. § 1915(e)(1). Whether to appoint counsel is within the discretion of the
24 district court and requires a showing of exceptional circumstances. *Agyeman v. Corrections*
25 *Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine whether exceptional
26 circumstances exist, courts consider the likelihood that the plaintiff will succeed on the merits as
27 well as the plaintiff's ability to articulate his claims "in light of the complexity of the legal issues
28 involved." *Id.* Neither factor is dispositive, and both must be viewed together. *Wilborn v.*
Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986).

1 Here, Plaintiff has not shown exceptional circumstances for the appointment of counsel.
2 As outlined in the Court's screening order (ECF No. 10), it is not clear that Plaintiff's complaint
3 will succeed on the merits because it has not passed screening. Additionally, while Plaintiff has
4 had difficulty following the Court's instructions, she was able to file a complete application to
5 proceed without paying the filing fee. The Court thus denies her motion for appointment of
6 counsel.

7 Plaintiff also asks that the Court extend time. But it is unclear what deadline she seeks to
8 extend. The Court thus denies this request.

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10 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
11 *pauperis* (ECF No. 7) is **denied as moot**.

12 **IT IS FURTHER ORDERED** that Plaintiff's motion for appointment of counsel (ECF
13 No. 8) is **denied**.

14 **IT IS FURTHER ORDERED** that Plaintiff's motion for extension (ECF No. 9) is
15 **denied**.

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17 DATED: April 17, 2024

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20 DANIEL J. ALBREGTS
21 UNITED STATES MAGISTRATE JUDGE
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